

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JODY DOWD WOOTEN,

Defendant.

CR 17–65–GF–BMM

ORDER

Defendant Jody Dowd Wooten (“Wooten”) moves the Court for compassionate release under 18 U.S.C. § 3582(c)(1)(A), in light of the COVID-19 pandemic. (Doc. 30). She is currently serving a 174-month sentence for a federal drug offense. (Doc. 28). Her projected release date is October 24, 2029. *See* Inmate Locator, www.bop.gov/inmateloc (accessed January 27, 2022). Wooten admits that she never submitted a request for compassionate release to the warden of her prison “because [she] didn’t qualify.” (Doc. 30 at 3).

A defendant may only file a motion for compassionate release once she has (1) fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant’s behalf or (2) after 30 days have lapsed from the receipt of such a request by the warden of the defendant’s facility, whichever is earlier. 18 U.S.C. § 3582(c)(1)(A). The exhaustion requirement is

mandatory and must be enforced when properly raised by the Government. *See United States v. Keller*, 2 F.4th 1278, 1282 (9th Cir. 2021).

Wooten notes in her supplemental brief that “[t]hirty days will pass either by the time briefing in this case is complete or before this Court ultimately rules on the case.” (Doc. 38 at 2). Wooten has still failed to provide any proof, however, that she ever filed a request for compassionate release with the warden at her facility in the time since she affirmatively denied having done so in her original motion. The thirty-day limit serves no purpose until such a request has been filed.

Wooten has failed to exhaust her administrative remedies as required by 18 U.S.C. § 3582. Her Motion for Compassionate Release is therefore denied. Wooten may refile, if appropriate, after she has properly navigated her administrative avenues.

ORDER

Accordingly, **IT IS ORDERED** Wooten’s Motion for Compassionate Release (Doc. 30) is **DENIED**.

DATED this 31st day of January, 2022.

A handwritten signature in blue ink, reading "Brian Morris".

Brian Morris, Chief District Judge
United States District Court